

Drawing Amendments

Please substitute the attached Replacement Sheet of drawings, including FIGS. 14 and 15 for FIGS. 14 and 15 previously filed. No new matter is added by this amendment. The amendment is made to expressly reference features already shown in the originally filed drawings and/or incorporated by reference. Applicants have added reference numbers 101 and 103 to FIGS. 14 and 15. Applicants respectfully request that the Examiner approve the drawing changes.

REMARKS

Claims 25-29 and 31-38 are pending in the application with claims 25, 29, 32 and 37 being independent claims. Applicants respectfully request reconsideration of the Application in light of the above amendment and the following remarks.

Interview Summary

Applicants appreciate the courtesies extended by Examiner Lev during the telephone interview conducted on February 17, 2005. During the interview the new matter objection was discussed. Examiner Lev suggested adding to the figures a reference to the other frame. The rejection of the independent claims with respect to the Kellogg patent and the Wang patent were also discussed. Examiner Lev suggested that the combination of two frames, where one frame is in a curved configuration and has a tension member and extension member is allowable over the cited references.

New Matter Objection

The amendment filed on September 23, 2004 stands objected to under 35 U.S.C. § 132 because it introduces new matter into the disclosure. The Examiner states that the term “a second frame” is not discussed in the specification or shown in the drawings. A second frame is expressly disclosed, for example, at paragraph [0071] on page 16. The shade 10 is disclosed as being “proximate to but distanced from the towel 100 . . . In one embodiment, towel 100 can include a frame member mounted in a membrane.” Additionally, Applicants claim priority to and incorporate by reference U.S. Patent Application Serial No. 09/229,968, which discloses such a configuration (see, e.g., paragraph [0001] and [0053]). As discussed during the interview, Applicants have amended the specification and figures to expressly include a reference to the

other frame member and other membrane in the application. Accordingly, Applicants respectfully request that the objection be withdrawn.

Double Patenting Rejection

Claims 25-29 and 31-38 stand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent Nos. 6,478,038 and 6,595,227. Claims 25-29 and 31-38 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent Application No. 2003/00222484. Applicants are filing Terminal Disclaimers herewith to overcome the double patenting rejections.

The Claims are Patentable over the Kellogg Patent

Claims 25, 26, 29, 36 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,992,045 to Kellogg et al. (“the Kellogg patent”). As discussed during the interview, independent claims 25, 29 and 37 have each been amended to recite a first frame member, a first membrane, a second membrane and a second frame. A tension member is configured such that the second frame is in a curved configuration, and an extension member is configured to maintain an orientation of the apparatus. For at least these reasons, independent claims 25, 29 and 37 are allowable.

The Claims are Patentable over the Wang Patent

Claim 25 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,632,318 to Wang (“the Wang patent”). The Wang patent discloses a sun shield for covering multiple windows of an automobile. The Wang patent includes a pair of flexible frames 20 disposed next to each other in a central panel and two side panels extending from the central panel. As discussed during the interview, the Wang patent fails to disclose a first frame member,

a first membrane removably attachable to the first frame member, a second membrane, and a second frame member. The Wang patent further fails to disclose a tension member coupled to the second membrane, and the tension member being dimensioned such that the second frame member is in the curved configuration. The Wang patent also fails to disclose an extension member coupled to at least one of the tension member and the second membrane and configured to maintain an orientation of the second frame member as recited in independent claim 25. For at least these reasons, independent claim 25 is allowable over the Wang patent.

The Claims are Patentable over the Kellogg Patent in view of the Wang Patent

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over the Kellogg patent in view of the Wang patent. Applicants have canceled claim 24 without disclaimer of the subject matter therein, thereby obviating the rejection of that claim.

The Claims are Patentable over the Kellogg Patent in view of the Paroussiadis Patent

Claims 27, 28, 31-36 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Kellogg Patent in view of European Patent No. 202,862 to Paroussiadis (“the Paroussiadis patent”).

Dependent Claims 27, 28, 31 and 38

Dependent claims 27, 28, 31 and 38 are allowable at least because of their dependence upon independent claims 25, 29 or 37, which are allowable over the Kellogg patent for the reasons discussed above.

Independent Claim 32 and its Dependent Claims

As discussed during the interview, independent claim 32 has been amended to recite a first frame member, a first membrane, a second membrane and a second frame. A tension member is coupled proximate to the first end and the second end of the second membrane such

that the second frame member is maintained in the first shape. An extension member is coupled to at least one of the tension member and the second membrane, and configured to maintain an orientation of the apparatus. For at least this reason, independent claim 32 is allowable over the Kellogg patent and the Paroussiadis patent, either alone or in combination. Based at least on their dependence upon independent claim 32, dependent claims 33-36 are also allowable.

Conclusion

All rejections have been addressed. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,
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